

# **Exhibit 5**

**BakerHostetler**

**Baker&Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111

T 212.589.4200  
F 212.589.4201  
www.bakerlaw.com

Jason S. Oliver  
direct dial: 212.589.4649  
joliver@bakerlaw.com

October 12, 2020

**VIA E-MAIL (EFISHER@BINDERSCHWARTZ.COM)**

Eric B. Fisher  
Binder & Schwartz LLP  
366 Madison Avenue  
Sixth Floor  
New York, NY 10017

*Re: Securities Investor Protection Corp. v. Bernard L. Madoff Investment Securities LLC,  
Adv. Pro. No. 08-01789 (SMB): Khronos LLC's October 9, 2020 Document Production*

Dear Eric:

We are writing to address Khronos LLC's October 9, 2020 document production in response to the Trustee's Rule 2004 Subpoena (the "Production").

The Production consists of what appear to be Santander Bank & Trust Ltd. statements for three separate accounts: (i) REDACTED

. The identity of the holder of each of these accounts has been omitted from the production. For example, the statements for what is presumably account number REDACTED (the full account number does not appear anywhere in the Production) indicate that the name of the account was at various times, "Saving Acct – BCA Preferente" (e.g., K000739) and "Savings – Accounts Family Office" (e.g., K000690). The statements indicate that this account received two transfers from Legacy Capital's Santander account that correspond with Montpelier International's redemptions from Legacy Capital.

The Production also indicates that a Santander account with a number ending in REDACTED received subsequent transfers of BLMIS customer property from account REDACTED. Again, the holder of this account has not been identified. The identity of the accountholders is critical, and information concerning these transferees falls squarely within Judge Bernstein's order.

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Please identify the holder of each of the accounts identified above. Additionally, the bank statements produced to date list transfers and SWIFT payments to entities such as “Santander,” “Dresdner Bank” and “Montpellier” without providing any further identifying information. The Trustee requests information concerning the identification of all transfers and transferees of Montpellier International as set forth in Judge Bernstein’s order. Alternatively, please advise whether the accountholders and other transferee-related information will be identified in Khronos’s rolling production, to be completed by October 23, 2020.

Sincerely,

/s/ Jason S. Oliver

Jason S. Oliver